

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

JS-6

Case No.	CV17-1221 PSG PJWx	Date	July 7, 2017
Title	Los Angeles Waterkeeper v. Prime Metals U.S.A., Inc.		

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Present: The Honorable	Philip S. Gutierrez, United States District Judge
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Wendy Hernandez

Not Reported

Deputy Clerk

Court Reporter

Attorneys Present for Plaintiff(s):

Attorneys Present for Defendant(s):

Not Present

Not Present

**Proceedings (In Chambers): Order Dismissing Case for Lack of Prosecution**

Plaintiff Los Angeles Waterkeeper (“Plaintiff”) filed a lawsuit against Defendant Prime Metals U.S.A., Inc. (“Defendant”) on February 15, 2017. *See* Dkt. # 1. Plaintiff subsequently submitted proof of service upon Defendant on February 28, 2017. *See* Dkt. # 5. On March 22, 2017, the clerk entered default against Defendant pursuant to Fed. R. Civ. P. 55(a). *See* Dkt. # 8. On May 18, 2017, the Court issued an Order to Show Cause (“OSC”) why the Court should not dismiss the case for lack of prosecution. Dkt. # 9. The Court indicated that Plaintiff could satisfy the OSC by either filing a motion for default judgment or by requesting the clerk for entry of default judgment against Defendant, on or before June 1, 2017. *See id.* The Court also warned Plaintiff that failure to respond might result in the dismissal of the entire action. *See id.*

On June 1, 2017, Plaintiff responded to the OSC, explaining to the Court that Defendant has contacted Plaintiff and that the parties were engaged in substantive settlement discussions, such that a motion for default judgment would be unnecessary. *See* Dkt. # 10. Plaintiff further indicated that the parties were in the process of finalizing their settlement agreement and requested an additional two-week extension, up to and including June 15, 2017, in order to comply with the OSC. *Id.* Now three weeks have passed and Plaintiff still has neither filed a motion for default judgment against Defendant nor a stipulation of settlement as indicated in the OSC response. Therefore, because of Plaintiff’s failure to comply with the OSC, the Court **DISMISSES** the case for lack of prosecution, without prejudice.

**IT IS SO ORDERED.**

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